



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

AUG 18 2014

OFFICE OF CONGRESSIONAL  
AND INTERGOVERNMENTAL RELATIONS

The Honorable Timothy Bishop  
Ranking Member  
Subcommittee on Water Resources and Environment  
Committee on Transportation and Infrastructure  
House of Representatives  
Washington, DC 20515

Dear Congressman Bishop:

Thank you for your July 28, 2014, letter requesting responses to questions for the record following the July 24, 2014, hearing before the Subcommittee titled "Integrated Planning and Permitting Framework: An Opportunity for EPA to Provide Communities with Flexibility to Make Smart Investments in Water Quality."

The responses to your questions are provided in the enclosures. Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Greg Spraul in the EPA's Office of Congressional and Intergovernmental Relations at [spraul.greg@epa.gov](mailto:spraul.greg@epa.gov) or 202-564-0255.

Sincerely,

A handwritten signature in black ink, appearing to read "Laura Vaught", with a stylized flourish at the end.

Laura Vaught  
Associate Administrator

Enclosures

**U.S. Environmental Protection Agency  
Responses to Questions from Congresswoman Napolitano  
Subcommittee on Water Resources and Environment**

**July 24, 2014 hearing titled "Integrated Planning and Permitting Framework: An Opportunity for EPA to Provide Communities with Flexibility to Make Smart Investments in Water Quality"**

**Question 1. In your statement you mention that the EPA is, "encouraged that a number of communities have expressed interest in developing an integrated plan". Can you please provide a list of communities who have stated their intention to submit an Integrated Planning Framework and the status of each of these submissions?**

**Response:** Enclosure B provides a list of communities that have expressed interest in developing an integrated plan that would have elements incorporated into a permit. This includes all of the communities that applied for technical assistance that the EPA will be awarding to five communities this fall to foster inclusion of Integrated Planning elements into permits, as well as other communities that we are aware of who are looking to pursue this path.

In addition, there are also two entered consent decrees that specifically provide for the development of an Integrated Plan, Seattle and King County, WA. Both of these decrees have provisions that allow the permittee to develop an Integrated Plan within five years, recognizing that it can be a time consuming effort. Should the Integrated Plan suggest changes to the consent decree, they may then request modifications to accommodate a more integrated approach. What has been more common, is that the EPA and a permittee will negotiate consent decree or administrative order requirements in such a way as to embody an integrated planning approach without the formal inclusion of a separate Integrated Plan. Enclosure C includes a list of communities with consent decrees where the EPA believes that Integrated Planning approaches have been embodied in our agreements, typically without a separate Integrated Plan document being attached.

**Question 2. There seems to be a disconnect between EPA Headquarters and the Regions on Implementing Integrated Planning and Green Infrastructure. Do you believe the Regions are resisting implementing the policy and what is needed to encourage it?**

**Response:** The EPA is committed to the Integrated Planning approach. The agency's Integrated Municipal Stormwater and Wastewater Planning Approach Framework guides the regions and headquarters, and regions have been directed to work with our state partners to facilitate the Integrated Planning approach. The EPA does not believe that a disconnect on implementation of Integrated Planning exists between headquarters and the regional offices, as illustrated by the regions' continued involvement and support of the development and implementation of Integrated Planning and green infrastructure efforts noted in Enclosures B and C. In addition, headquarters staff continue to be heavily involved in negotiating municipal consent decrees, particularly where a municipality has asked to incorporate Integrated Planning and/or green infrastructure elements.

**U.S. Environmental Protection Agency  
Responses to Questions from Congresswoman Napolitano  
Subcommittee on Water Resources and Environment  
July 24, 2014 hearing titled "Integrated Planning and Permitting Framework: An Opportunity  
for EPA to Provide Communities with Flexibility to Make Smart Investments in Water Quality"**

1. Municipalities that submitted a letter of interest seeking technical support to develop and implement an integrated planning approach under the Clean Water Act (The EPA intends to provide assistance to five communities):
  - City of Chicopee, MA
  - City of Worcester, MA / Blackstone Water Pollution Abatement District
  - Town of Durham, NH / University of New Hampshire
  - City of Portland, ME
  - City of Burlington, VT
  - City of Newark, NJ
  - Onondaga County, NY
  - City of Pittsburgh, PA
  - City of Frankfort, KY
  - Treasure Coast Regional Planning Council, FL
  - City of North Miami, FL
  - City of Rockford, IL
  - City of Akron, OH
  - City of Lansing, MI
  - City of Springfield, MO / Greene County, MO
  - City of Peculiar, MO
  - Fairfield, IA
  - Payson City Corporation, UT
  - Magna Water District / Salt Lake County, UT
  - Chippewa Cree Tribe, MT
  - City of Apache Junction, AZ
  - Commonwealth of the Northern Mariana Islands
  - City of Santa Maria, CA
  - City of Los Angeles, CA
  - Victor Valley Wastewater Reclamation Authority, CA
  - City of Oxnard, CA
  - City of San Diego, CA
  - Clean Water Services, OR
2. Municipalities that have shown an interest in having the Integrated Planning approach be used to support Clean Water Act permit development (*in addition to* municipalities listed above that submitted a letter of interest seeking technical support):

- Springfield, MA
- Gloucester, MA
- WISE (Water Integration for the Squamscott-Exeter) includes the towns of Exeter, Stratham and Newfield, all in NH.
- Richmond, VA
- Cherokee, OK
- Lawrence, KS
- Boonville, MO
- Park City, UT
- Spokane, WA

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Municipal settlements that incorporated Integrated Planning elements:

- Boston Water & Sewer Commission, MA (2012)
- Fitchburg, MA (entered FY2013)
- Philadelphia, PA (2012 Administrative Order for Compliance)
- Hampton Roads Sanitation District, VA (amended existing Consent Decree FY13)
- Atlanta, GA (Consent Decree amendment, entered 2012)
- Chattanooga, TN (entered FY13)
- MWRD (Chicago), IL (entered FY14)
- New Orleans, LA (existing Consent Decree – amendment lodged FY14)
- Kansas City, KS (entered FY13)
- Seattle, WA (lodged FY13)
- King County, WA (lodged FY13)



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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

OCT 14 2014

OFFICE OF CONGRESSIONAL AND  
INTERGOVERNMENTAL RELATIONS

The Honorable Barbara Boxer  
Chairman, Committee on  
Environment and Public Works  
United States Senate  
Washington, D.C. 20510

Dear Chairman Boxer:

Thank you for your letter of July 31, 2014, to the U.S. Environmental Protection Agency requesting responses to a question for the record following the July 16, 2014, legislative hearing before the Committee on Environment and Public Works, Subcommittee on Water and Wildlife. The response is provided as an enclosure to this letter.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Cathy Davis in the EPA's Office of Congressional and Intergovernmental Relations at Davis.CatherineM@epa.gov or 202-564-2703.

Sincerely,

A handwritten signature in black ink, appearing to read "Laura Vaught".

Laura Vaught  
Associate Administrator

Enclosure

**Environment and Public Works Committee Hearing**  
**July 16, 2014**  
**Follow-Up Questions for Written Submission**  
**Michael H. Shapiro**

**Questions from: Senator David Vitter**

- 1. S. 571, the Great Lakes Water Protection Act, would prohibit publicly owned treatment works (POTW) from blending partially and fully treated wastewater during wet weather events, except in limited circumstances. Can you please explain how this prohibition would affect and impact POTW's which are currently permitted to blend? What costs would local communities incur if they are no longer able to use blending to manage wet weather events?**

In EPA's view, some of the provisions of S.571 are ambiguous and/or, in some cases, may be less stringent than EPA's existing bypass regulation. EPA has not analyzed how this bill would affect costs to local communities.

**Environment and Public Works Committee Hearing**  
**July 16, 2014**  
**Follow-Up Questions for Written Submission**  
**Michael H. Shapiro**

**Questions from: Senator David Vitter**

- 1. S. 571, the Great Lakes Water Protection Act, would prohibit publicly owned treatment works (POTW) from blending partially and fully treated wastewater during wet weather events, except in limited circumstances. Can you please explain how this prohibition would affect and impact POTW's which are currently permitted to blend? What costs would local communities incur if they are no longer able to use blending to manage wet weather events?**

In EPA's view, some of the provisions of S.571 are ambiguous and/or, in some cases, may be less stringent than EPA's existing bypass regulation. EPA has not analyzed how this bill would affect costs to local communities.



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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

JUL 24 2014

OFFICE OF CONGRESSIONAL AND  
INTERGOVERNMENTAL RELATIONS

The Honorable Darrell Issa  
Chairman  
Committee on Oversight and Government Reform  
United States House of Representatives  
Washington, D.C. 20515

Dear Chairman Issa:

Thank you for your letter of July 2, 2014, requesting responses to Questions for the Record following the June 25, 2014, hearing on EPA oversight.

The responses to your questions are provided as an enclosure to this letter. Again, thank you for your letter. If you have any further questions, please contact me, or your staff may contact Cheryl Mackay in the EPA's Office of Congressional and Intergovernmental Relations at [mackay.cheryl@epa.gov](mailto:mackay.cheryl@epa.gov) or (202) 564-2023.

Sincerely,

A handwritten signature in black ink, which appears to read "Laura Vaught", is written over a horizontal line.

Laura Vaught  
Associate Administrator

Enclosure

cc: The Honorable Elijah Cummings, Ranking Member

**House Committee on Oversight and Government Reform**  
**Hearing on "Management Failures: Oversight of the EPA"**  
**June 25, 2014**  
**Questions for the Record**

**Questions from Chairman Darrell Issa**

**1. When will the 2014 Renewable Fuel Standard (RFS) requirement be finalized?**

EPA continues to work on the 2014 Renewable Fuel Standard (RFS) requirements final rule, which will establish the required applicable volumes and percentage standards. The rule is a priority for us, and we hope to finalize it soon.

**2. Why does EPA continue to miss Congressionally-mandated deadlines for issuing RFS requirements?**

The deadlines that Congress established for issuing annual rules under the RFS program are aggressive. The challenges involved with proposing and finalizing even a minor rulemaking can be significant, and in the case of RFS rulemakings, where the issues and analysis involved are often complex, the challenges are typically even more substantial. The RFS touches a range of complex environmental, energy, and agricultural issues, and a broad range of stakeholders are interested and engaged in the policy process. Furthermore, the fact that the rules establishing the RFS standards are required by law to be issued on an annual basis exacerbates these challenges.

Nevertheless, EPA has met with multiple stakeholders to listen to their input on the proposed rule and to solicit any new and relevant data that should be factored into setting the volume standards for 2014. These stakeholders include representatives from the biofuel sector, the agricultural sector, petroleum refiners, environmental groups, and various other organizations and sectors. The EPA also received over 340,000 comments on the 2014 RFS proposal, which we are currently evaluating. EPA is committed to improving our internal processes and we will continue to strive to better our performance in meeting the statutory deadlines.

**3. Will EPA commit to getting the 2015 RFS requirements issued by November?**

We intend to act as quickly as possible to propose the rule that will establish the volume requirements and standards under the RFS for 2015. EPA shares the goal of getting back on the statutory schedule for issuing the annual standards rulemakings.

**4. Is EPA still planning to exercise its waiver authority for the 2014 RFS?**

The EPA did propose to exercise various waiver authorities under the Clean Air Act for the proposed 2014 volume rulemaking, and we received significant comment on this issue. We are unable, however, to comment on policy decisions that will be made as part of the final rule to

establish the 2014 required volumes under the RFS, as we are still in the process of finalizing that rulemaking.

**5. Will EPA increase the biodiesel requirement for 2014?**

While the EPA proposed to maintain the biomass-based diesel standard at 1.28 billion gallons for 2014, whether and to what degree the biomass-based diesel standard for 2014 will be increased above 1.28 billion gallons is an issue that will be decided in and announced with the 2014 annual RFS standards final rulemaking.